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Attorneys for Defendant Dell Financial Services, L.L.C.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

DAVID TOURGEMAN,

Plaintiff,

vs.

COLLINS FINANCIAL SERVICES, INC.,  
a Texas corporation; NELSON &  
KENNARD, a California partnership; DFS  
FINANCIAL SERVICES, L.P., a Delaware  
limited partnership; CIT FINANCIAL  
USA, INC., a Delaware corporation; and  
DOES 1 through 10, inclusive,

Defendants.

Case No. 08-CV-1392 JLS (NLS)

**DECLARATION OF BEN  
AMMERMAN IN SUPPORT OF  
DEFENDANT DELL FINANCIAL  
SERVICES, L.L.C.'S OPPOSITION  
TO PLAINTIFF'S MOTION TO  
STRIKE**

Date: TBD

Time: TBD

Judge: Hon. Nita L. Stormes

Complaint Filed: July 31, 2008

Trial Date: None Set

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**DECLARATION OF BEN AMMERMAN**

I, Ben Ammerman, declare as follows:

1. I am an associate attorney at the law firm Call & Jensen, counsel of record in this action for Defendant Dell Financial Services, L.L.C. ("DFS"). I am licensed to practice law in the State of California. I have personal knowledge of the matters contained in this Declaration and, if called on as a witness, I could and would testify competently as to the matters set forth herein.

2. I am familiar with the documents and testimony produced by the parties during discovery in this lawsuit.

3. On August 19, 2010, Plaintiff, by mail, served DFS with an Amended Notice of F.R.C.P. 30(b)(6) Deposition ("Notice") listing seventeen topics. DFS served its objections to the Notice on September 3, 2010. A true and correct copy of DFS' objections to the Notice is attached here to as Exhibit A.

4. On September 8, 2010, during Ms. Towns' deposition, and as quickly as possible after DFS discovered them, I produced two recently discovered documents and made a record on the transcript of that production. The first was a document containing a list of the accounts sold to Collins Financial Services, Inc. ("Collins") during the debt sale transaction that had been provided to Collins. The second is a media request document from Collins containing a request for further media related to David Tourgeman from January 17, 2007. A true and correct copy of a four page excerpt from that media request, bates stamped as DFS0001593, is attached hereto as Exhibit B. Counsel for Plaintiff chose not to ask Ms. Towns questions regarding these documents, but at the conclusion of Ms. Towns' deposition, Plaintiff's counsel expressly stated that he was not closing Ms. Towns' deposition.

5. On September 27, 2010 Plaintiff's counsel circulated the proposed third amended complaint to the other parties for review. From September 27, 2010 until my return on the morning of September 30, 2010, I was out of the office fulfilling United States Navy Reserve obligations.

6. On September 30, 2010, after reviewing Plaintiff's Proposed Third Amended Complaint, I informed Plaintiff, through counsel, by telephone and subsequent email, that Plaintiff's allegations were inaccurate and that he should correct them. I also informed Plaintiff that Ms. Towns would be correcting any misstatements with respect to the originators of the loans sold in the debt sale as she had not been with DFS at the time and this was not a topic in the Notice. A true and correct copy of my September 30, 2010 email informing Plaintiff's counsel of the factual inaccuracies in his proposed third amended complaint is attached hereto as Exhibit C.

7. I was also present at the depositions of Collins Financial Services 30(b)(6) deponents Patricia Baxter on September 9, 2010 and Howard Knauer on September 10, 2010. Ms. Baxter testified multiple times in her deposition that the account portfolio sold to Collins contained accounts originated by DFS, AIB, and CIT. A true and correct copy of excerpts from Ms. Baxter's deposition is attached as Exhibit D. A true and correct copy of excerpts from the confidential portion of Ms. Baxter's deposition is attached hereto as Exhibit E.

8. Howard Knauer also testified on multiple occasions that the account portfolio included accounts originated by multiple lenders. A true and correct copy of excerpts from Mr. Knauer's deposition is attached as Exhibit F.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed this 1st day of November, 2010 at Newport Beach, California.

/s/ Ben Ammerman  
Ben Ammerman

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